

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:12-CR-00224-RJC-DSC

USA)
)
 v.) ORDER
)
 JAVAR MINOTT)
)

THIS MATTER is before the Court upon motion of the defendant pro se for a reduction of sentence based on retroactive amendments to the United States Sentencing Guidelines regarding drug offenses, (Doc. No. 39), and counsel's notice of ineligibility, (Doc. No. 37).

The defendant was sentenced on November 7, 2013, to 120 months' imprisonment on his drug offense, a downward variance from the advisory guideline range to the mandatory minimum. (Doc. No. 30: Judgment at 2; Doc. No. 21: Statement of Reasons at 3; Doc. No. 38: Supplemental Presentence Report at 1). Accordingly, the change in the guidelines does not affect the defendant's sentence. Neal v. United States, 516 U.S. 284, 296 (1996) (retroactive amendment to guidelines does not alter statutory mandatory minimum); United States v. Hood, 556 F.3d 226, 233 (4th Cir. 2009).

IT IS, THEREFORE, ORDERED that the defendant's motion, (Doc. No. 39), is **DENIED**.

The Clerk is directed to certify copies of this order to the defendant, the Community Defender, the United States Attorney, the United States Marshals Service, and the United States Probation Office.

Signed: June 19, 2017


Robert J. Conrad, Jr.
United States District Judge

